

REMARKS/ARGUMENTS

As stated above, Applicant elects Group I, Claims 27-47, drawn to a cast part for an internal combustion engine, and respectfully traverse the requirement for restriction for the following reasons:

Claims 27-47 (Group I) are drawn to a cast cylinder crankcase (independent claims 27, 34, 40 and 44). Claims 48-51 (Group II) are drawn to a method for manufacturing the cast cylinder crankcase by casting.

In the Office Action, the Examiner has taken the position that there are two inventions distinct from each other because the product as claimed was said to be able to be made by another and materially different process as claimed. In the Examiner's view, the claimed part for an internal combustion engine can be made by machining.

It is respectfully submitted that the basis of the Examiner's Restriction Requirement is incorrect as Applicant's claims are not directed to a cylinder crankcase in general which could also be made by machining or other methods. Rather, in

Group I a particular cast cylinder crankcase is claimed comprising at least one specified guide duct. This guide duct is implemented in the form of a pre-manufactured tube which is integrated inside of the cylinder crankcase when the cylinder crankcase is cast. In other words, the tube is cast in place during casting of the crankcase. Thus, the tube is part of the crankcase directly after casting the crankcase.

It is respectfully submitted that it is not possible to make this kind of cylinder crankcase by machining as suggested by the Examiner.

In contrast to a guide duct being subsequently mechanically introduced to a crankcase through drilling, embedding a preformed tube as a guide duct as the following advantages for example:

- Savings in manufacturing effort and costs.
- The ability to bend the embedded tube (tailored to the required contour course). The tube does not have to run linearly.
- The very smooth and very high degree of cleanliness of the internal duct wall of an embedded tube.
- The absence of residue in the embedded tube.

- The ability to chose a tube made up of a desired material in order to build the guide duct.

In summary, it is respectfully submitted that a crankcase made by machining is not comparable with Applicant's claimed cast crankcase comprising at least one embedded tube.

Moreover, it is respectfully submitted that the claims of Group I and Group II relate to a common inventive concept in that the claims are related as product made and process of making. Accordingly, it is believed that any search for the invention embodied in Group I would necessarily include a search of the invention embodied in Group II. Thus, the simultaneous search for both Groups is believed not to constitute an unreasonable search for the Patent Examiner.

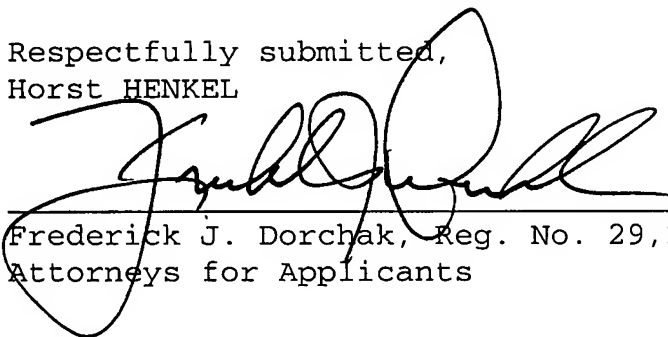
In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for both Groups. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity

of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserve the right to file a divisional application for the non-elected invention.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. §121 be withdrawn, and that an action on the merits of all the claims be rendered.

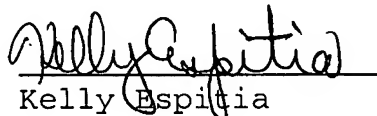
Respectfully submitted,
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